IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8243 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SOHANSINGH GYANSINGH

Versus

ABAD DAIRY

Appearance:

MR KS ACHARYA for Petitioners

MR DG CHAUHAN for Respondent No. 1

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 12/04/2001

ORAL JUDGEMENT

1. Sohansingh Gyansingh & Others, petitioners have filed this petition under Artcile 226 of the Constitution of India, challenging the judgment and award dated 21st April, 1988 passed by Industrial Tribunal in Reference

No.358 of 1982. This award has been passed pursuant to the settlement arrived at between the petitioners and the respondent - Abad Dairy. In fact, the award has been based on the award which was earlier passed on 11th March, 1982. This Court has already issued notice on 14th December, 1988. Thereafter, the Court (Coram : Mr.D. P. Buch, J.) has passed the orders on 2nd March, 2001 as well as 9th March, 2001 which are as under :-

"Ld. Advocate for the respondent states that the respondent Dairy has been sold out in 1997 and as per his information, the members on the Establishment have obtained voluntary retirement. That if this is true, then the petitioner may not survive. He states that he had contacted the officer of G D D C, but no reply has been received. Therefore, he seeks time for again contacting the said officer. S. O. to 09.3/2001."

"Ld. Advocate for the parties are present. It is submitted that petitioner No.1 has retired in July, 1994, petitioner Nos. 2 and 5 to 10 have taken premature voluntary retirement under the Voluntary Retirement Scheme and petitioner NO.4 has passed away. Therefore, petitioner No.3 is left out to contest the petition. Ld. Advocate for the petitioner in order to know the present status. He, therefore, seeks time. In the meantime, Ld. Advocate for the respondent submits affidavit-in-reply, which shall be taken on record. S. O. to 23/3/2001."

2. When the matter is reached for hearing, Mr.K. S. Acharya, learned advocate for the petitioners has stated that he has no instruction and the matter can be disposed of.

3. In view of the orders passed by this Court dated 2nd March, 2001 and 9th March, 2001, this application has become infructuous and the same is disposed of accordingly. Rule is discharged. No order as to costs.

(K. M. Mehta, J.)

(vrpanchal)*